



DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF
COMMERCIAL FISHING RIGHTS IN THE COMMERCIAL TRADITIONAL LINEFISH SECTOR:
2021**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION OF
COMMERCIAL FISHING RIGHTS: 2021 AND THE POLICY FOR THE TRANSFER OF
COMMERCIAL FISHING RIGHTS**

(Available at www.environment.gov.za)

Table of Contents

1.	INTRODUCTION	4
2.	PROFILE OF THE FISHERY.....	4
2.1	History of the Traditional Linefishery	4
2.2	Linefish management and recent fishery profile.....	6
2.3	Target Species Information and Resource Assessment	8
3.	FISHING RIGHTS ALLOCATIONS PRINCIPLES	9
4.	OBJECTIVES	10
5.	GRANTING OF FISHING RIGHTS	11
5.1	Form of Right Holder	11
5.2	Duration of Rights	11
5.3	Deceased applicants	12
5.4	Transfer of Rights Allocated in Terms of this Policy	12
6.	EVALUATION CRITERIA.....	12
6.1	Exclusionary Criteria	12
(a)	Compliance	12
(b)	Paper Quotas	13
(c)	Fronting	13
(d)	Effective–utilisation	13
6.2	Balancing Criteria.....	13
(a)	Access to a Suitable Vessel (Applicable to Category A, B and C Applicants).....	14
(b)	Fishing Performance	14
(c)	Data Submission.....	14
(d)	Value adding	14
(e)	Transformation	14
(f)	Multi-sector Involvement	15
(g)	Reliance.....	15
(h)	Local Economic Development	15
(i)	Compliance	16
7.	EFFORT ALLOCATION.....	16
7.1	Management Areas.....	17
8.	NEW ENTRANTS (Category C Applicants).....	17
9.	SUITABLE VESSELS.....	18
9.1	Vessel specifications	18

9.2	Vessel change.....	18
10.	PAYMENT OF APPLICATION AND GRANT OF RIGHT FEES.....	19
11.	PROVISIONAL LIST.....	19
12.	ANNOUNCEMENT OF DECISIONS.....	19
13.	MANAGEMENT MEASURES.....	20
13.1	Tools to adjust effort.....	20
13.2	Management tools for individual species.....	21
13.3	Transfer of Commercial Fishing Rights.....	21
13.4	Consolidation of Right Holders.....	21
13.5	Ecosystem Approach to Fisheries.....	21
13.6	Observer at Sea and Land Based Monitoring.....	21
13.7	Co-management.....	22
14.	PERMIT CONDITIONS.....	22
15.	MONITORING AND EVALUATION OF THE POLICY.....	22
16.	CONTRAVENTIONS.....	23
17.	REPEAL.....	24

1. INTRODUCTION

This policy on allocation and management of fishing rights in the Commercial Traditional Linefishery is issued by the Minister of Forestry, Fisheries and the Environment (the Minister) and shall be referred to as “Policy for the Allocation and Management of Commercial Traditional Linefishing Rights: 2021”. This policy must be read with the General Policy on the Allocation of Commercial Fishing Rights: 2021 (the General Policy: 2021) and the Policy for the Transfer of Commercial Fishing Rights.

The Minister has, in terms of section 79 of the Marine Living Resources Act 18 of 1998 (the MLRA), delegated the power to grant fishing rights contained in section 18 of the MLRA, to Senior Officials of the Department of Forestry, Fisheries and the Environment (the Department).

This policy sets out the objectives, criteria and considerations that will guide the allocation of fishing rights in the Commercial Traditional Line fishery. This policy will guide the Delegated Authority in taking decisions on applications in this fishery.

2. PROFILE OF THE FISHERY

The definition of linefishing in South Africa is the capture of fish with a hook and line, but excludes the use of longlines – linefishing is restricted to a maximum of 10 hooks per line, whether handheld or on rod.

2.1 History of the Traditional Linefishery

The origin of the boat-based linefishery can be traced back to the 1500s. In 1652, restrictions were imposed on the fishery by the Dutch administration and the fishery was slow to develop despite the abundance of fish. In 1795, all restrictions were lifted under new British rule which resulted in a thriving linefish industry by the mid-1800s operating from row and sail boats. Fishing effort around the Cape at the beginning of the 20th century was already quite considerable (between 0.12 and 0.37 boats per kilometre coastline). The sharp increase in fishing effort, technological advances such as echo-sounding equipment, nylon lines, motorised ski-boats on trailers, the construction of small boat harbours and slipways, and the ever increasing offtake of linefish by other fleets, led to severe overfishing of most of the linefish populations in the last quarter of the 20th century.

First attempts to manage the commercial linefish sector date back to 1940 with the introduction of minimum size limits in response to observed population declines of some species. Around the same time, towable ski-boats were introduced and the recreational boat-based sector expanded rapidly. The need for management became clear and the Minister responsible for Environmental Affairs appointed a National Marine Linefish Committee (NMLC) in 1984 to develop management proposals for the South African linefishery. In 1985 the linefishery was formally recognised, catch returns were made mandatory for commercial fishers and a set of catch limits were introduced. Restrictions and controls included in the 1985 management framework were commercial fishing licenses (fulltime-A category and part-time-B category) and revised minimum size limits equalled to size at maturity. The management framework included revised minimum size limits, daily bag limits, closed seasons, a commercial ban for certain species, and the freezing of the commercial effort at the 1984 level. Although the basic life-histories of some important species had been studied, most remained unknown. At the time of their implementation, the limited scientific data available meant that many bag limits were too large and size limits were inappropriate and did not offer any tangible protection. Furthermore, little information was available on the size and rate of growth of many linefishes in South Africa.

Different management requirements between the Commercial and Recreational sectors eventually resulted in the NMLC being replaced by the newly establish and independent South African Marine Linefish Management Association (SAMLMA) in 1990. By providing a channel for negotiation between the representatives of all sectors, management measures implemented were again a compromise between conflicting views of the sectors. This often led to widespread dissatisfaction among fishers from different sectors.

The management framework also provided for a division of the species into categories based on apparent exploitation vulnerability (i.e. more vulnerable reef species and more resilient shoaling species). Despite the imposed restrictions, catch rates of many species have continued to decline and stock assessments indicated that the so-called more resilient migratory species were severely over-exploited. Research surveys revealed that the regulations have failed to provide a substantial measure of resource protection. It is argued that either the restrictions themselves were not limiting or they may have been poorly enforced. As a result of declining stocks and the increasing claim for access to the fishery, a substantial revision of the management procedure became necessary to prevent possible stock collapse. In December 2000, the Minister of Environmental Affairs and Tourism, taking cognisance of the critical status of many linefish stocks, declared the linefish resource to be in a State of Emergency, as provided for in the Marine Living Resources Act (MLRA,

Act 18 of 1998). Effort was reduced by 70% to the current 455 vessels and 3450 crew allocated in the Long-Term Rights Allocation and Management Process of 2005/2006 (LTRAMP 2005). The hake and tuna components were developed into separate sectors and large deck-boats with overnighting capacity were taken out of the fishery. To rebuild collapsed stocks and to achieve a sustainable level of utilisation, a Linefish Management Protocol (LMP) was developed in 1999 in order to base regulations in the linefishery on quantifiable reference points. A comprehensive set of species-specific management plans was developed and regulations pertaining to species mainly caught by recreational fishers were introduced. Despite these bold measures, the linefishery continued to decrease with regard to catches and formal participants. Even though recent stock assessments (Linefish Scientific Working Group 2017) indicate a recovery in some of the main linefish populations, Commercial Traditional Linefishing continues to be a labour intensive, low earning activity at the edge of economic viability, as linefishers have to compete with demersal trawl, shark longline, hake handline, squid, prawn-trawl sectors as well as small-scale, interim relief and illegal recreational operators when selling their catch.

2.2 Linefish management and recent fishery profile

Together, the three sectors of the linefishery (Commercial, Small-scale and Recreational) access inshore marine resources, at times competing for the same species.

The current Commercial Traditional Linefishery operates from access points around the entire coast, from Port Nolloth to Richard's Bay. The majority of current linefish vessels are trailerable ski-boats that can be towed and launched at different access points, from slipways and even from the beach. Traditional displacement-type vessels ("chukkie") are still in use in some fishing communities such as Arniston and Kalk-bay. These boats require harbours and have inferior range and speed to the high-powered ski-boats.

The Small-scale sector was legally created to recognise those fishers who depend on marine living resources for direct food security – usually poor coastal communities or those using simple traditional fishing methods. There are an estimated 30 000 small-scale fishers active along the South African coastline, 85% of whom harvest linefish. Small-scale fishers have been formally organised into co-operatives which will be targeting a 'basket' of species that includes linefishes. The first small-scale co-operative was launched in Port Nolloth in September 2018. More than 300 communities in the four coastal provinces have been identified as small-scale fishing communities. These community co-operatives will be given 15-year small-scale fishing Rights and each will be able to access a "basket" of species based upon their needs and location along the coast. As these

species are shared with other fisheries and are identical to those of the traditional linefishery for the boat-based component of the small-scale fishery, vessel and crew effort allocations to small-scale co-operatives is determined within the overall Linefish Total Allowable Effort.

The Recreational linefishery (including the shore-based sector) has by far the largest number of participants (>450 000) of all fishery sectors in South Africa and consequently has great socio-economic value. This is especially important to coastal regions dependent on the tourist trade, but also to industries associated with the small craft, outboard motor, fishing tackle and bait trades.

The commercial traditional linefishery is divided into three different management zones, zones A to C, respectively Port Nolloth to Cape Infanta, Cape Infanta to Port St John's and Port St John's to Kosi Bay. The three zones have different fishery profiles in terms of operations and target species. Zone A has by far the largest number of participants, due to the availability of Cape snoek, *Thyrsites atun*, the species that constitutes more than half of the entire linefish catch in some years. Zone B and Zone C are reliant on a larger variety of species. The excess fishing pressure exerted on this fishery over decades has reduced some linefish populations to exceptionally low levels. Productivity and hence annual catches are seriously compromised, with negative ramifications for job creation, tourism and food security. In addition, the risk of stock collapse, as has already occurred for some species that previously constituted some of the main targets of the fishery in the B and C zones, such as the seventy-four, dageraad and red steenbras, is high. The reduction in effort and the separation from sectors that use large deck-boats with overnighting capacity has stabilised catches and some of the primary target species have shown signs of rebuilding. However, it is of concern that high levels of illegal activity (fishing inside MPAs, non-compliance with size and bag limits) and the Interim Relief measures (~1 000 additional fishers) have hampered the recovery of numerous stocks that are of local importance. Moreover, unregulated recreational and small-scale fishing effort and the high levels of catch and by-catch of linefish in other fisheries continue to jeopardise the sustainability of this fishery. Sustainability of the South African Linefishery is intrinsic to its management, and the Linefish Management Protocol (LMP) has clear objectives to “*manage the linefish resources of South Africa so as to ensure the equitable and optimum sustainable utilisation of these resources*”. The specific goal of the LMP with reference to determining annual catch and effort levels is to “*actively facilitate the recovery of over-exploited linefish stocks, and to maintain such stocks at optimum levels of production*”.

The traditional commercial linefishery is currently managed through effort allocation. However, changes in the fishery dynamics in recent years (including introduction of the small-scale sector,

interim relief, increasing by-catch of linefish by the trawl fisheries and uncertainty regarding the magnitude of catch in the recreational sector) and changes in the assessment methodology necessitated an update of the effort determination and effort management in the linefishery. The baseline effort for the traditional fishery is determined by the number of vessels per management zone. To account for the difference in fishing capacity among the different linefish vessels, the effort is shown in terms of 'standard' vessels. A vessel with the standardised fishing capacity of 1 is defined as a medium-sized linefish vessel with a crew of 7. The underlying calculations are based on long term catch data and details are provided in each annual Scientific Recommendation document. In addition to the effort limits, individual species are managed with bag, size and area limits, as well as closed seasons, based on scientific recommendations of the Linefish Scientific Working Group. These output restrictions also pertain to the recreational and the small-scale sector. A review of some of these limits has been concluded and the gazetting of the changes in these limits has been signed off by the delegated authority, but the long turnaround times when changing these management measures has in the past jeopardized their effectiveness.

2.3 Target Species Information and Resource Assessment

Species targeted in the linefishery display diverse life-history strategies, including many traits that cause populations to be particularly vulnerable to over-fishing or slow to recover, including long life-spans (>20 years), estuarine-dependence, sex change and aggregating behaviour. Many of the species are endemic to South Africa and are not shared with our coastal neighbours. Target species include reef-fishes (e.g. roman and slinger), coastal migrants (e.g. geelbek and dusky kob) and nomads (e.g. snoek and yellowtail). Linefishes are typically predatory and include a number of apex predators (i.e. sharks, rockcods, red steenbras, etc.). Although the linefishery catches over 200 species, ninety percent of the current catch is made up of only eight species (snoek, yellowtail, silver kob, geelbek, carpenter, hottentot, slinger and santer). Most linefish species are not exclusively caught by the linefishery but may form important components of the catch or the by-catch of other fisheries, including the tuna pole, hake handline, demersal shark longline and trawl fisheries. Stock assessments conducted in the mid-1990s revealed that most commercially exploited linefish stocks were severely depleted or had collapsed. Hardest hit had been the resident reef fish which are long-lived and slow to reach sexual maturity such as the dageraad (*Chrysoblephus cristiceps*), those that form spawning aggregations, such as seventy-four (*Polysteganus undulosus*) and red steenbras (*Petrus rupestris*), but coastal migrants such as dusky kob (*Argyromus japonicus*) and geelbek (*Atractoscion aequidens*), which form predictable aggregations during key life-history stages such as spawning, had equally collapsed. The only

exceptions to these collapses were the more resilient pelagic nomadic species such as snoek (*Thyrsites atun*) and yellowtail (*Seriola lalandi*) whose unpredictable location makes targeting more difficult, and faster growth enables quicker stock recovery. The eight primary target species of the traditional fishery (together comprising more than 70% of the catch per management area) are being comprehensively assessed on average every seven years. Assessments are only performed for these species as they form the basis for the effort allocation per area. The latest assessments have been undertaken in 2017 and indicate that five of the eight species are optimally utilised, whereas two species, the silver kob and the geelbek are severely overexploited.

Other locally important linefish species are assessed less frequently, but changes in their populations are monitored by analysis of change in Catch per Unit Effort, Size-frequency, catch and standardised demersal survey indices. Assessments of the two most important shark species caught by the linefishery in Zone A and B, the smoothhound and the soupfinshark, conducted in 2019, indicate that these species are currently severely overfished and in case of the soupfin shark. The assessment of a number of reef-associated species indicate that some of them, such as the blue hottentot, show signs of recovery, whereas others, such as Dageraad, Red Steenbras and Seventy-four remain collapsed. Information on stock status and management advice on individual species is contained in the annual recommendation of the Linefish Scientific Working Group.

3. FISHING RIGHTS ALLOCATIONS PRINCIPLES

Although some species have shown signs of recovery, overall Linefish resources are still diminishing due to overexploitation or due to competition by other fisheries (LSWG TAE 2021). Consequently, the linefishery continues to decline in terms of catches and number of participants. A significant number of previous Rights Holders have performed poorly during this period and only 67% of Rights Holders showed any catch performance. Linefish catches continued to decline from over 12000 tonnes to an all-time low of around 5000 tonnes, indicating that the fishery in its current state struggles to remain economically viable. The overarching principle for allocating linefish rights is to allocate the available linefish resources in the three management areas to traditional linefishers who are directly dependent on the resource and utilise it as their main source of income. The linefishery is 60% black owned, but overall transformation levels are much higher, as the large majority of crew and peripheral workers is black. The involvement of females (6%) in linefish ownership needs to be considerably strengthened and the fishery has, despite the relatively low investment costs, a very small percentage of young Right Holders (7%).

The 2021 Rights allocation will build on the experience of the last two rounds of allocations and will consider:

- (a) The availability, size and current stock status of the primary linefish species in the three management areas.
- (b) The catch performance of the fishery in the three management areas during the last allocations.
- (c) The type, number and size of vessels in operation during previous allocations.
- (d) The overlap with other fisheries in terms of target and by-catch species and vessel utilisation.
- (e) The economic viability of the fishery.
- (f) Cross-sectoral involvement.
- (g) The transformation profile of the fishery, in particular regarding women and youth.
- (h) Skills development and professionalisation of shore personnel, skippers and crew.
- (i) Upliftment of traditional linefishing communities.

4. OBJECTIVES

This policy recognises the need to ensure the optimal, long-term and justifiable use of marine living resources in order to ensure sustainable development of the fishing sector to achieve inclusive economic growth, to achieve the objectives and principles as listed in Section 2 of the MRLA through the Marine Living Resources Fund (MLRF) and to create sustainable employment consistent with the development objectives of National Government. In terms of the Marine Living Resources Act, 1998, the responsible authorities are obliged to achieve optimum utilisation and ecological sustainable development of marine living resources; conserve marine living resources for both present and future generations; apply precautionary approaches in respect of the management and development of marine resources; utilise marine living resources to achieve economic growth, human resource development, capacity building within fisheries and mariculture sectors, employment creation and a sound ecological balance consistent with the development objectives of the national government; protect the ecosystem as a whole, including species which are not targeted for exploitation; preserve marine biodiversity, and to minimise marine pollution.

The over-all objectives of allocating long term fishing rights in the traditional line fish sector are:

- (a) The effective utilisation of the rights allocated in this fishery, within the gear and vessel

specifications and management framework outlined in this policy.

- (b) Optimal, sustainable use of the linefish species in accordance with best available scientific information in line with the Ecosystem Approach to Fisheries (EAF).
- (c) Rebuilding of over-exploited and collapsed linefish stocks to achieve maximum economical yield.
- (d) Allocation of commercial rights to traditional line fishers reliant on traditional line fishing for their main source of income.
- (e) Allocation of a fair proportion of rights to applicants based at fishing harbours that are historically associated with traditional line fish catches.
- (f) Promotion of adherence to Basic Conditions of Employment Act 75 of 1995, Labour Relations Act 66 of 1995 and the Merchant Shipping Act 57 of 1951.
- (g) Professionalization of the fishery and its operations in terms of compliance, safety, product quality and adherence to regulations. [Labour relations, SAMSA etc.]

5. GRANTING OF FISHING RIGHTS

Fishing rights are granted in terms of section 18 of the MLRA. Unless otherwise determined by the Minister, only South African persons shall acquire or hold rights in terms of section 18 of MLRA. In this fishery, the Minister has not exercised her power to allow persons of other nationalities to acquire rights, meaning that only South African persons can acquire or hold rights in this fishery.

5.1 Form of Right Holder

Having regard to the nature of operations and resource accessibility only South African individuals will be considered for a right in the Commercial Traditional Linefishery.

5.2 Duration of Rights

Having regard for the decline in the resources caught in this fishery and the need to apportion these among this and the emerging small scale fishery, fishing rights in the Commercial Traditional Linefishery will be granted for a period of 7 years where after they shall automatically terminate and revert back to the State. Significant upward changes in the resource can only be measured reliably in that time frame.

5.3 Deceased applicants

Applications from individual applicants who became deceased during the process of assessment of the applications and on/or before a right to engage in commercial fishing activity in a fishing sector is decided will not be assessed. If an applicant is deceased after the right has been granted only an Executor or Master's Representative, whose appointment has been confirmed by the Master of the High Court, may deal with the assets and liabilities of a deceased's estate.

Family member(s) of the deceased applicant shall inform the Department, in writing within 30 days, after such applicant is deceased.

5.4 Transfer of Rights Allocated in Terms of this Policy

In terms of section 21 of the MLRA the Minister may approve the transfer of fishing rights in whole or in part. However, rights granted in the fishery in terms of the MLRA shall not be transferred within the first 3 years of being granted.

6. EVALUATION CRITERIA

Applicants will be categorised into three tiers (Category A, B and C), based on their previous involvement in commercial fisheries, according to the General Policy: 2021. Applications will be screened in terms of a set of "exclusionary criteria". All applicants will thereafter be separately scored in terms of a set of weighted "comparative balancing criteria". A cut-off will then be determined in order to select the successful applicants and effort will be allocated to each successful applicant.

6.1 Exclusionary Criteria

Apart from the criteria described in the General Policy: 2021 pertaining to the lodgement of applications and material defects, the Delegated Authority will exclude applicants that fail to meet the following requirements:

(a) Compliance

Applicants, representatives, crew and skippers that have been convicted of an offence in terms of the MLRA, its regulations or permit conditions, (without the option of the payment of a fine) will not be allocated a Commercial Traditional Linefishing right.

Applicants, including their representatives, crew and skippers that have had a fishing right, license or permit, is revoked or cancelled in terms of the MLRA, its regulations or permit conditions, assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA, will not be allocated a Commercial Traditional Linefishing right.

(b) Paper Quotas

Applications that are found to be paper quota applicants, as defined in the General Policy: 2021, will be excluded.

(c) Fronting

Applicants who are found to be engaged in Fronting as defined in the General Policy: 2021 will be excluded.

(d) Effective-utilisation

Category A Applicants that failed to effectively utilise their Commercial Traditional Linefishing right between the period 2014 to 2020 and/or have not collected a catch permit for 3 or more years will be excluded. Effective utilisation shall mean activation and having been issued with a permit to undertake commercial linefishing, landing of catch and subsequent submission of catch data for at least six years during the period 2014-2020. In addition, during the same period, previous Commercial Traditional Linefish right holders will be expected to have landed at least a total of 3 tonnes of Linefish for every full fishing season that they were active or a cumulative catch of ≥ 18 tonnes.

Category B and C applicants will not be rated according to catch performance.

It shall, however, be noted that although excluded applicants will not be allocated a commercial fishing right in this sector, they will be evaluated and assessed against the balancing criteria. This will be done for the purposes of generating scoresheets for such excluded applicants.

6.2 Balancing Criteria

Applicants will be evaluated in terms of the balancing criteria outlined in the General Policy: 2021. In addition, the following criteria, specific to the Commercial Traditional Linefishery will be considered, which will be weighted in order to evaluate and assess applications:

(a) Access to a Suitable Vessel (Applicable to Category A, B and C Applicants).

Applicants will have to demonstrate direct ownership, direct part-ownership of, or direct access to a suitable vessel not owned nor part-owned by the applicants. Applicants who cannot demonstrate their planned direct fishing involvement in the Commercial Traditional Linefishing operations from nominated suitable vessel not owned nor part-owned by the applicants will not accumulate points in the relative section during the evaluation and assessment of the applications.. Proof of ownership or part-ownership, together with a valid South African Maritime Safety Authority (SAMSA) registration certificate, and photos of the vessel taken from the port and starboard, back and front needs to be included in the application. If the applicant has entered into a purchase agreement to acquire a suitable vessel on successful application, then proof of the sales contract must be provided. In the case of a new build vessel, the vessel plans, detailed costing from the vessel building company and proof of finance must be provided. Catch agreements in which a vessel owner fishes on behalf of a right holder will not be considered in this fishery.

(b) Fishing Performance

Performance on linefish species (Applicable to Category A Applicants only) measured in terms of effort and catch during the last allocation period.

(c) Data Submission

Submission of a complete set of catch return forms for the full duration of the last allocation period (Applicable to Category A Applicants). Evaluation of data submission compliance will be carried out using Departmental records.

(d) Value adding

Value adding and fisheries improvement such as, but not limited to, keeping fish on ice and introducing protocols to improve quality (Applicable to Category A Applicants only)

(e) Transformation

(i) An improvement of the transformation profile of the pool of applicants from the previous round of allocations will be considered (Applicable to Category A Applicants). The following will be considered positively: Increase in right ownership, demonstrated increase in skilled personnel (i.e., skippers, competent crew) of

designated groups, in particular ownership and direct involvement of historically disadvantaged individuals (HDIs), in particular females, youth and people living with disabilities.

(ii) Overall transformation (Applicable to Category B Applicants). The following will be considered: Transformation levels with respect to ownership, skilled personnel (i.e., skippers, competent crew) of designated groups, in particular, female, youth and people living with disabilities.

(iii) Overall transformation (Applicable to Category C Applicants) with respect to designated groups, in particular, female, youth and people living with disabilities.

(f) Multi-sector Involvement

Applicants in the Commercial Traditional Linefishery will not be precluded from holding commercial fishing rights in other fishing sectors (Applicable to Category A, B and C Applicants). Applicants will have to apply separately for a right in the other fisheries sectors. Applicants that are intending to apply for rights in multiple fisheries sectors must consider vessel specifications and restrictions in the respective fisheries sectors. Vessels are only permitted to fish pursuant to one right at a time. Applicants that rely on Commercial Traditional Linefishing as their main source of income will receive preference.

(g) Reliance

All applicants will be rewarded for demonstrating historical involvement in the traditional line fishing industry for their livelihood such as being a skipper, a crewmember or shore-worker in the fishery. Preference will be given to applicants who actively participate in the fishery and rely on the harvesting of Commercial Traditional Linefish for a significant portion > 50% of their gross annual income above applicants deriving income from sources outside the fishery.

(h) Local Economic Development

To promote local economic development in economically depressed fishing towns, preference will be given to applicants that elect to land and process their catches at harbours outside metropolitan areas (Applicable to Category A, B and C Applicants).

(i) Compliance

Applicants that have fished in line with the MRLA, its regulations or permit conditions will be preferred over applicants, including their representatives, crew and skippers that have paid admission of guilt fines for offences committed under the MLRA, its regulations or permit conditions.

j) Payment of levies

Applicants that were granted fishing rights in 2013 will be required to provide proof that they are up to date on the payment of their levies on fish landed at the date of submitting their applications.

7. EFFORT ALLOCATION

Effort allocation in the Commercial Traditional Linefishery will take into account previous catches in relation to the number of vessels and the stock status of primary target species per management zone. Given the decline in catch and the decline in effective utilization of previous rights in terms of performance, there is limited scope to increase the effort in this fishery. Accordingly, the Department aims to maximize effort according to the availability of the stocks in line with paragraph 4.2 of the General Policy on the Allocation of Commercial Fishing Rights 2021 and allocate in accordance with the current TAE a maximum of 455 standard vessels, divided between the regions in the manner set out below. The TAE per zone will be apportioned between the Small-scale and the traditional commercial linefish sector according to the percentage decided by the Delegated Authority. A standard vessel is defined as a vessel that can carry a crew of 7. Vessels with a maximum length overall of 10 meters and a maximum crewing capacity of 12, including the skipper, will be considered, as long as the maximum fishing power per zone is not exceeded. The maximum fishing power, determined based on previous performance of the fleet (LSWG TAE recommendation 2021) that can be sustained in each management area is as follows:

Maximum standard vessel allocation for the three Management Zones:

A	Port Nolloth to Cape Infanta	340
B	Cape Infanta to Port St Johns	64
C	KwaZulu-Natal	51

Figures here represent to total available effort per zone. Percentage allocation to the linefishery needs to be determined after considering the distribution of potential Small- scale effort in the zones.

7.1 Management Areas

Total Allowable Effort levels and management measures in the linefishery will be determined separately for each management area. Applicants have to nominate the management area in which they intend to fish. Right holders may only migrate their right to another management area on written motivated request and subject to approval by the delegated authority. Migration requests will only be considered if the targeted management area has available free effort.

Each successful applicant will be granted the right to use one vessel only. If all 455 vessels are not allocated, after the split between the commercial and the Small Scale sector has been decided, the delegated authority may allocate the remaining vessels to applicants who scored the highest number of points in the comparative balancing process in the region and who nominated more than one suitable vessel for catching line fish. The number of crew that may fish from any vessel will be restricted to the number appearing on the valid SAMSA safety certificate for the nominated vessel.

Ten percent (10%) of the TAE per management zone, in terms of standard vessels, has been set aside for internal appeals to the Minister. The unallocated portion of the 10%, if any, after appeals, will be allocated to the New Entrants first and then to successful applicants.

8. NEW ENTRANTS (Category C Applicants)

Whilst being mindful of the dynamics of the sector which has been established under the previous long-term rights in respect of investment, performance, economic stability and business growth, the Department will consider the inclusion of new entrants to comply with section 2 Objectives and Principles, as well as section 18(5) of the MLRA of the Department. As far as new entrant applicants are concerned, the Delegated Authority will consider applicants that have made investments in the form of vessels, fixed assets and marketing infrastructure. In addition, new entrant applicants will be required to demonstrate that they have the knowledge, skill and capacity (access to a suitable vessel) to fish in the Commercial Traditional Linefishery. New entrants that can demonstrate historical involvement in the fishery as skippers, crew or shore workers will

receive preference. However it shall be noted that there is limited room to accommodate New Entrants in this fishery due to the split between commercial and Small-Scale.

9. SUITABLE VESSELS

9.1 Vessel specifications

A suitable vessel in the Commercial Traditional Linefishery is a trailerable “skiboat” type vessel or a traditional replacement “chuckie” type vessel that

- (a) Has a maximum SAMSA overall length (LOA) not more than 10 meters and is registered for not more than 12 seafarers. Larger displacement-hull vessels (deckboats) with overnighting capacity and sleeping accommodation will be considered if they have been used by the applicant in the commercial linefish sector in the past.
- (b) Is certified by SAMSA with an expiry date not later than 2019, to have an operational range not exceeding 40 nautical miles.
- (c) Has a functioning vessel monitoring system, at the time of applying for a vessel license if the application is successful.
- (d) Is equipped to hold fish on ice.
- (e) Is a commercial linefishing vessel and cannot be used as a luxury yacht, a recreational vessel or recreational charter vessel, once registered as commercial fishing vessel.
- (f) Is, if it enters the fishery for the first time, rigged out specifically for Commercial Traditional Linefishing.

9.2 Vessel change

To avoid effort increase in this fishery, applicants will have to utilise the vessel nominated in the right application for at least three years before a vessel replacement upgrade, in terms of size. The delegated authority will consider vessels upgrades if the increased fishing power is within the stipulated limits of the vessel specifications only if there is under-utilised effort in the within the management zone that the right holder has nominated. The increase is restricted to a maximum of 2 m length overall up to a maximum size of 10m LOA. If the nominated vessel becomes unavailable, applicants may nominate a replacement of similar size (within less than 5% difference in terms of length overall, tonnage, and horsepower) and equivalent crewing level to the nominated vessel. Larger displacement-hull vessels (deckboats) with overnighting capacity and sleeping accommodation can only be replaced with vessels up to a maximum size of 10m LOA and 12

seafarers in total. The 2m restriction is applicable to the right and not the right holder.

10. PAYMENT OF APPLICATION AND GRANT OF RIGHT FEES

Applicable fees have been published in the Government Gazette No. 39451, Volume No. 605, 25 November 2015, separately in terms of section 25 of the MLRA.

The application fee payable upon submission of an application and is non-refundable.

The grant-of-right fee is payable by all successful applicants within 60 days of the granting of the right.

The Department has waived payment of the Application and Grant-of-Right fees for the Commercial Traditional Linefishing sector for the 2021 commercial fishing rights allocation process.

11. PROVISIONAL LIST

The Delegated Authority may issue a provisional list of successful applicants for comment on any aspect relating to an application in this fishery.

The Delegated Authority may request comment on any of the information provided by an applicant and on the basis of the comments received, make a final decision.

The Delegated Authority may invite representations regarding the assessment of the applications in this before making a final decision.

12. ANNOUNCEMENT OF DECISIONS

The Delegated Authority shall after final decisions on the applications inform all applicants of the outcome of their individual applications giving specific reasons for such decision.

The General Reasons for decisions in a specific fishery will be published informing all applicants on how the decisions were formulated and reached. The General Reasons shall also include an annexure outlining the scores obtained by all applicants in the Commercial Traditional Linefishery.

13. MANAGEMENT MEASURES

Listed below are some of the Department's principal, post-right allocation management measures for the Commercial Traditional Linefishery. A comprehensive management protocol, based on the principles outlined here will be developed after the allocation is complete. Effort levels in the Commercial Traditional Linefishery will be managed according to total allowable effort per management zone. Baseline boat-based effort for the long-term allocation of fishing rights is allocated taking into account the stock status of the primary linefish species per area. The boat effort by management zone is determined by the product of the number of boats, including commercial and small-scale, and a weighing factor based on the fishing power of the individual boat. The 'standard' boat, used as a reference with a factor of one, is defined as a ski-boat of 7 m length with a maximum of 7 crew members including the skipper (Appendix I). Maximum crew and boat length are restricted to 12 people and 10 m, respectively. The maximum allowed time on sea is 24 hours. Maximum effort in terms of standard boat units per management zone is fixed for the period of the long-term rights allocation.

13.1 Tools to adjust effort

To ensure stability and sustainability of the fishery maximum effort per zone, as described above, will only be adjusted on the basis of scientific evidence for a change in the resource. Effort will not be curtailed for the period of the allocation except in exceptional circumstances after all other management measures have failed. The exceptional circumstances are defined by extreme declines of standardised Catch Per Unit Effort trends of individual populations of primary species over a period of three years, by primary species dropping below 10% of the Biomass necessary to achieve Maximum Sustainable Yield.

Effort reduction mechanisms will be invoked in the following order, depending on the severity of the situation:

- (a) Restrictions on linefish by-catch in other fisheries that catch target species such as the recreational fishery, the trawl fishery, the squid fishery, the tuna-pole fishery and the hake-handline fishery
- (b) Restrictions on annual number of sea days

- (c) Effort reduction by reducing the number of vessels per zone

13.2 Management tools for individual species

Individual species that do not fall under the primary target species group are managed in terms of annual adjustment of size limits, bag limits, closed seasons and area limits, including Marine Protected Areas and Fisheries Exclusion Areas and moratoria, if required. Annual adjustments of individual species limits will be determined by the Linefish Scientific Working Group according to assessments, CPUE time series, availability time series, occurrence in the catch, and stakeholder concern. The details on the recommendation will be contained within standardised supporting documents (LSWG document number), which outline why a particular management tool is recommended.

13.3 Transfer of Commercial Fishing Rights

Subject to paragraph 5.4 above, Right Holders in this sector shall consider the Policy for the Transfer of Commercial Fishing Rights or Rights or Parts thereof (the Transfer Policy) when transferring their fishing rights.

13.4 Consolidation of Right Holders

Following the allocation of 7-year commercial fishing rights in this fishery, the Department will facilitate the consolidation of the number of Right Holders active in the fishery.

13.5 Ecosystem Approach to Fisheries

This fishery will be managed in accordance with the Ecosystem Approach to Fisheries (EAF). EAF is a holistic approach that maintains or improves the health of an ecosystem and balances the diverse societal needs and values. This approach also defines the ecosystem in its broadest sense and includes ecological, social, economic and governance systems.

13.6 Observer at Sea and Land Based Monitoring

The Department considers that a shore-based monitoring programme is currently the most suitable programme to collect additional data from the fishery. Electronic monitoring (EM) may become mandatory and successful applicants will be responsible for bearing the related cost. The Department will work with right holders and industry associations to enhance and possibly automate at-sea monitoring, offloading (species composition determination) and data capturing through the use of technology (cameras) on access points and vessels.

13.7 Co-management

The Department encourages right holders to organise themselves into recognised industrial bodies. The Department will work with recognised industrial bodies in the co-management of the fishery and provide regular updates on the status of the fishery and its resource.

14. PERMIT CONDITIONS

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with the successful applicants in this fishery and will be revised as and when it may be necessary. Permit conditions related to species, time, area and gear limits will be revised annually dependent on best available scientific evidence. [Include Management and SWGs].

15. MONITORING AND EVALUATION OF THE POLICY

The Department will monitor and evaluate the policy by instituting a number of formal performance measuring exercises for the duration of the seven (7) year period. It is envisaged that the first set of performance measuring exercises will take place after three (3) years.

Although the Department will finalise the precise criteria against which rights holders will be measured after the allocation of commercial fishing rights, and after consulting with rights holders, the following broad performance related criteria may be used:

- (a) crew upliftment and empowerment
- (b) job creation;
- (c) Investment in processing and value adding to line fish catch;
- (d) Investment in vessels, on-shore facilities and gear.
- (e) Catch performance.
- (f) Compliance with size, bag, area, time and gear limits
- (g) Timeous and complete reporting of catches and other information as applicable.

South Africa has not been immune from the negative impacts of climate change on fisheries resources and communities who depend on fisheries for their livelihoods. The impacts of climate change may be addressed through adoption of adaptation and mitigation measures in the fishing sector. Research and ongoing monitoring by both the Department and stakeholders will play an

important role in identifying gaps, weaknesses and flaws in existing fisheries policies and management measures.

South Africa has published the National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks) and the National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (NPOA-Seabirds). The NPOA-Sharks and NPOA-Seabirds applies amongst others, to the fisheries that catch and land sharks and seabirds as targeted species or non-targeted species (by-catch). In order to achieve the optimum utilisation and ecological sustainable development of marine living resources, South Africa will implement the NPOA-Sharks of Action in all the identified fisheries to ensure that the ecosystem is protected, and fishing strategies are consistent with the principles of biological sustainability and rational long-term economic use.

The purpose of performance measuring will be to ensure that the objectives of this final policy are met.

16. CONTRAVENTIONS

Contraventions of the following kind:

- (a) A successful applicant that fails to utilise its Commercial Traditional Linefishing right for any one season during the period for which the right has been granted without a reasonable explanation;
- (b) A breach of the provisions of the MLRA, MLRA Regulations, Permit Conditions, Transfer Policy and other related Acts included in the Permit conditions by the Right Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel;
- (c) During the performance measuring exercise, any Right Holder that has been found to have contravened any condition upon which the right was granted for;

may result in the initiation of legal proceedings (which may include initiation of section 28 proceedings in terms of the MLRA and or criminal proceedings).

17. REPEAL

This Policy on the Allocation and Management of Commercial Fishing Rights in the Traditional Linefishing Fishery: 2021 repeals the Policy for the Allocation and Management of Commercial Fishing Rights in the Traditional Linefish Fishery: 2013.

~ END ~